

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue Department – Sri P. Ramgopal Rao, Deputy Collector (Retired) – Request for inclusion of his name in the Select List 2012 for appointment by promotion to IAS – Rejected – Orders – Issued.

GENERAL ADMINISTRATION (SC.A) DEPARTMENT

G.O. Rt. No. 1138

dated 16-06-2022

Read the following:-

- 1) Orders of the Hon'ble Central Administrative Tribunal Hyderabad Bench in OA/21/1418/2014, dated 07.01.2021 filed by Sri P. Ramgopal Rao, Deputy Collector.
- 2) Representation of Sri P. Ramgopal Rao, Deputy Collector (Retired), dated nil.

ORDER:

Whereas, Sri P. Ramgopal Rao, Deputy Collector filed OA/21/1418/2014 in the Hon'ble Central Administrative Tribunal Hyderabad Bench, seeking direction to the respondents to consider his case for appointment by promotion to the IAS in 2012-2013 on completion of 8 years of service in the relevant cadre and also under the physically challenged reservation as provided in G.O. Ms. No. 42, Department for Women, Children, Disabled & Senior Citizens (DW), dated 19.10.2011.

Whereas, in the reference first read above, the Hon'ble Central Administrative Tribunal Hyderabad Bench, directed the 1st respondent i.e., the State of Andhra Pradesh represented by its Chief Secretary to Government to issue a speaking and reasoned order about the relief sought by the applicant and decision taken thereupon based on relevant rules and law, covering the entire ambit of the case, if need be, by consulting DOPT/Law Ministry. As the decision calls for consultation, 7 months time is granted to implement the direction, from the date of receipt of the said order.

Whereas, in the representation second read above, while enclosing a copy of the orders of the Hon'ble Central Administrative Tribunal, submitted that he is eligible for confirmation of I.A.S. for the year 2012 in the category of reservation in terms of G.O. No. 42, Department for Women, Children, Disabled & Senior Citizens (DW), dated 19.10.2011.

Whereas, in Notification No. 14/2003, Revenue (Services.I) Department, dated 25.02.2003, Sri P. Ramgopal Rao, Mandal Revenue Officer (Spl. Tahsildar) was appointed to the cadre of Deputy Collector (Category.II) of Andhra Pradesh Civil Services (Executive Branch) on a purely adhoc basis. The appointment was further subject to the conditions that (i) it is purely temporary under emergency provisions and does not confer any right of any kind on the individual who is liable to be reverted at any time without prior notice and without assigning any reasons thereof; (ii) the officer shall not be regarded as a Probationer or be entitled by reason only of such appointment to any preferential claim for future appointment to such service, class or category; (iii) the appointment is subject to review and reconsideration and approval of regular panels of Deputy Collectors in consultation with the A.P. Public Service Commission as required under the rules regarding the suitability for inclusion in the panel according to the rules and also subject to orders in the O.As/W.Ps, pending if any, before the A.P. Administrative Tribunal / High Court of Andhra Pradesh in general and the result of the C.A. No. 5254/2002 and C.As 5255-5259/2002 pending before the Supreme Court of India in particular; (iv) the appointment is subject to revision of seniority of the Officer.

Whereas, the revision of ad-hoc panels of Deputy Collectors for the years 1998-99 to 2010-11 was done by the Government and issued orders vide G.O. Ms. No. 502, Revenue (Services.I) Department, dated 16.09.2013. In the said revision, Sri P. Ramgopal Rao, Deputy Collector was included in the 2005-06 panel year. Even in the further revision of Ad-hoc panels pursuant to the orders of the Hon'ble High Court of Andhra Pradesh and Hon'ble A.P. Administrative Tribunal, his promotion was not regularized.

Whereas, according to Regulation 5 (1) of the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, each Committee shall ordinarily meet every year and prepare a list of such members of the State Civil Services as are held by them to be suitable for promotion to the Service. The number of members of the State Civil Service to be included in the list shall be determined by the Central Government in consultation with the State Government concerned and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held. Under Regulation 5 (2) of the said Regulations, the Committee shall consider for inclusion to the said list, the cases of members of the State Civil Services in the order of seniority in that service of a number which is equal to three times the number referred to sub-regulation (1). Under Third proviso to the said Regulation 5 (2), the Committee shall not consider the case of a member of the State Civil Service unless, on the first day of January of the year for which the Select List is prepared, he is substantive in the State Civil Service and has completed not less than eight years of continuous service (whether officiating or substantive) in the post of Deputy Collector or in any other post or posts declared equivalent thereto by the State Government.

Whereas, the Central Government determined (6) vacancies for appointment by promotion of State Civil Service Officers for the Select List 2012. The applicant, though completed eight years of service as on 1st January, 2012, is not substantive in the State Civil Service. Hence, he is not eligible for consideration for appointment by promotion to I.A.S. for the Select year 2012. The names of State Civil Service Officers came into consideration during the said Select Year were appointed in the year 1996 and they were substantive in their service. None of the Deputy Collectors who are junior to him and were not substantive in their service were recommended for consideration, ignoring the claim of Sri P. Ramgopal Rao, Deputy Collector.

Whereas, in the Indian Administrative Service (Appointment by Promotion) Regulations, 1955, there is no provision for reservation for promotion of Differently Abled persons and that the orders issued in G.O. Ms. No. 42, Department for Women, Children, Disabled & Senior Citizens (DW), dated 19.10.2011 are not applicable to the rules pertaining to the All India Services Officers.

Therefore, the name of Sri P. Ramgopal Rao, Deputy Collector was not recommended for consideration to the appointment by promotion to Indian Administrative Service from the members of State Civil Service as he was not substantive in his service as on 1st January, 2012 and there is no provision in the Indian Administrative Service (Appointment by Promotion) Regulations, 1955 for reservation to the disabled employees in promotions. Accordingly, the request of Sri P. Ramgopal Rao, Deputy Collector (Retired) is hereby rejected.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr SAMEER SHARMA
CHIEF SECRETARY TO GOVERNMENT

To

Sri P. Ramgopal Rao,
Plot No. 33, Senor Valley,
Film Nagar, Jubilee Hills,
HYDERABAD-500 096.

Copy to:

The Revenue (Services.I) Department.

The Chief Commissioner of Land Administration and Special Chief Secretary, A.P.

Sf/SC

//FORWARDED :: BY ORDER//

B. R. Amalaya
SECTION OFFICER (SC)